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REMARKS

Examiner's Interview

Applicant thanks the Primary and Supervisory Examiners for the personal interview granted to his attorney on January 25, 2006. In that interview, Examiners clarified their position.

It appears to be the Examiners position that the claims are indefinite under 35 U.S.C. 112 in that they have significant hardware or structural limitations in method type claims. Applicant has accordingly amended the claims in order to satisfy Examiners' objections.

Applicants Position

In order to expedite the prosecution of this Application and try to avoid a further Official Action based upon indefiniteness under 35 U.S.C. 112 based upon Examiners' objections, expressed in the interview, Applicant has amended the claims. Claims 6-9 have been cancelled, and new claims 10-16 added. The business method elements of these claims are shown in Fig. 2 of the application and described in the Specification, e.g. on pages 6 and 7.

Claims 10-16 do recite some product or structure. However, the structure is not the invention e.g the fact that Applicant has a manually portable audio device structure with 10 gigabytes storage is not the invention but it makes the invention possible. The method invention applies to such an audio device.

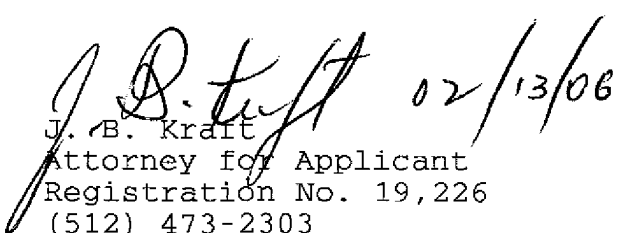
The present invention is now claimed as a business method whereby an incentive to purchase is offered to potential purchasers of a manually portable audio system may be provided with a library of titles to be preselected by this purchaser and stored in the portable audio system. The

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purchaser may be provided access via the Internet to one or many databases, each having a plurality of music titles, each title respectively represented by stored MP3 compressed digital data and the purchaser enabled to select a set of said music titles, which then may, in turn, be copied as MP3 compressed digital data representative of the set of purchaser selected music titles to the hard disk drive having at least 10 gigabytes of storage capacity within the housing of a portable audio system being of the purchaser. As set forth on page 6 of the specification, the invention involves the marketing of portable audio systems wherein the purchaser is provided with the ability of selecting a personalized library of 150 hours or more of music titles selected from almost an infinite number of titles available through the Internet.

In view of the foregoing, claims 10-16 are submitted to meet the definiteness requirements of 35 U.S.C. 112 and to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

 02/13/06
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